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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
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10/509,189

09/27/2004

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EXAMINER

VORTMAN, ANATOLY

ART UNIT

PAPER NUMBER

2835

MAIL DATE

DELIVERY MODE

08/28/2007

PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

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Office Action Summary	Application No. 10/509,189	Applicant(s) ARIOKA, MASAHIRO	
	Examiner Anatoly Vortman	Art Unit 2835	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 26 July 2007 (RCE).
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-15 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☒ Claim(s) 5-8 and 11-14 is/are allowed.
- 6) ☒ Claim(s) 1-4, 9, 10 and 15 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some * c) ☐ None of:
1. ☒ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☐ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☒ Information Disclosure Statement(s) (PTO/SB/08)
Paper No(s)/Mail Date 1/12/07.

- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____
- 5) ☐ Notice of Informal Patent Application
- 6) ☐ Other: _____

DETAILED ACTION

Continued Examination Under 37 CFR 1.114

1. A request for continued examination under 37 CFR 1.114, including the fee set forth in 37 CFR 1.17(e), was filed in this application on 07/26/07 after final rejection. Since this application is eligible for continued examination under 37 CFR 1.114, and the fee set forth in 37 CFR 1.17(e) has been timely paid, the finality of the previous Office action has been withdrawn pursuant to 37 CFR 1.114. Applicant's submission filed on 05/29/07 has been entered.

Claim Rejections - 35 USC § 112

2. The following is a quotation of the first paragraph of 35 U.S.C. 112:

The specification shall contain a written description of the invention, and of the manner and process of making and using it, in such full, clear, concise, and exact terms as to enable any person skilled in the art to which it pertains, or with which it is most nearly connected, to make and use the same and shall set forth the best mode contemplated by the inventor of carrying out his invention.

3. Claims 1-4, 9, 10, and 15, are rejected under 35 U.S.C. 112, first paragraph, as failing to comply with the written description requirement. The claim(s) contain subject matter, which was not described in the specification in such a way as to reasonably convey to one skilled in the relevant art that the inventor(s), at the time the application was filed, had possession of the claimed invention. Claim 1 recites: "said disconnecter is supported solely by said insulating frame". This contradicts with the original disclosure. For example, on Fig. 1 of the instant application is shown that the disconnecter (10b) is supported not only by the insulating frame

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(17), but also by the rigid bus-work (26, 27) and its supporting insulators and by the mechanical linkages (not numbered) connecting the disconnecter to the vacuum tube rod. Therefore, for examination purposes the aforementioned not enabled features have not been considered.

Claim Rejections - 35 USC § 102

4. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

5. Claims 1-4, as best understood, are rejected under 35 U.S.C. 102(b) as being anticipated by EP/0,924,827 to Quenin et al. (Quenin).

Regarding claims 1 and 2, as best understood, Quenin disclosed (Fig. 7) a gas-insulated switchgear in which main circuit equipments are accommodated within a tank (54) hermetically filled with an electrically insulating gas, comprising; at least one switchgear module in which a disconnecter (18) with a grounding switch (24) and an electrically insulating frame ((56, 58) and not-numbered member supporting a vacuum switch tube (14)) supporting an interrupter (27, 14) including a vacuum switch tube (14) are disposed in the tank (54) in a vertically stacked relationship; in which a movable element (26) of said disconnecter (18) is supported by said insulating frame (not-numbered) and in which said disconnecter (18) and said vacuum switch tube (14) are electrically connected between their movable rods (26, 30) (Fig. 7).

Regarding claims 3 and 4, as best understood, Quenin disclosed (Fig. 7) a plurality of the switchgear modules, each having a tank (the upper module accommodating the disconnecter, switches and the vacuum valve, and the bottom module accommodating components (20, 50, 48)), the adjacent tanks are connected to each other via a spacer (56, 58) hermetically connecting said tanks to define a circuit.

Claim Rejections - 35 USC § 103

6. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

7. Claims 9 and 10, as best understood, are rejected under 35 U.S.C. 103(a) as being unpatentable over Quenin in view of US/6,515,247 to Tsuzura et al., (Tsuzura).

Regarding claims 9 and 10, as best understood, Quenin disclosed all, but the lightning arrester.

Tsuzura disclosed a gas insulated switchgear (Fig. 1) having a lightning arrester (32) to provide protection from the lightning-induced overvoltages.

It would have been obvious to a person of ordinary skill in the switchgear art at the time of the invention to provide switchgear of Quenin with a lightning arrester as taught by Tsuzura in order to provide protection from the lightning-induced overvoltages.

Allowable Subject Matter

8. Claims 5-8 and 11-14 are allowed.

The following is a statement of reasons for the indication of allowable subject matter:

regarding claims 5-8 and 11-14, the parent independent claims 5, 6, 7, and 8, each recites:

“said tank is provided, at a front face thereof, with an opening portion that is hermetically closed by a mounting plate for selectively mounting thereon the interrupter and the disconnecter with the grounding switch and, at the rear face thereof, with an opening portion for mounting therein a bus bar bushing and a cable connecting bushing, and, at the upper and the lower portions, with [...] openings for selectively mounting thereto a spacer for hermetically connecting the tanks”.

The aforementioned limitations in combination with all remaining limitations of the respective claims, are believed to render the aforementioned claims allowable over the art of record.

Response to Arguments

9. Applicant's arguments have been considered but are they are not persuasive. On the outset, Applicant did not provide any arguments regarding the 35 USC 122/1 rejection as presented above. Thus, the rejection has been repeated. Furthermore, regarding the art rejection, Applicant's arguments regarding the Quenin refernce (i.e., regarding the “support only by the insulating frame”) are moot because present invention lacks the aforementioned feature (see 35 USC 112/1 rejection of claim 1). Further, regarding claims 3 and 4, Applicant contends that “claims that state that hermetic seal is between “adjacent tanks” would distinguish over cited

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reference". Examiner would like to direct the Applicant's attention that there is no recitation of the "hermetic seal" in the claims. Claims are broader than argued. Furthermore, regarding the Hiramoto et al reference, arguments are moot due to the withdrawal of the rejection based on Hiramoto et al.

Conclusion

10. This is a RCE of applicant's earlier Application No. 10/509,189. All claims are drawn to the same invention claimed in the earlier application and could have been finally rejected on the grounds and art of record in the next Office action if they had been entered in the earlier application. Accordingly, **THIS ACTION IS MADE FINAL** even though it is a first action in this case. See MPEP § 706.07(b). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire **THREE MONTHS** from the mailing date of this action. In the event a first reply is filed within **TWO MONTHS** of the mailing date of this final action and the advisory action is not mailed until after the end of the **THREE-MONTH** shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no, however, event will the statutory period for reply expire later than **SIX MONTHS** from the mailing date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Anatoly Vortman whose telephone number is 571-272-2047. The examiner can normally be reached on Monday-Thursday, between 10:00 am and 8:30 pm..

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Mr. Jayprakash Gandhi can be reached on 571-272-3740. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/Anatoly Vortman/
Primary Examiner
Art Unit 2835

AV